



UNITED STATES PATENT AND TRADEMARK OFFICE

Q3
UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/686,371	10/12/2000	Takeshi Funahashi	Q61173	4799

7590 06/24/2005

SUGHRUE, MION, ZINN, MACPEAK & SEAS, PLLC
2100 Pennsylvania Avenue, N.W.
Washington, DC 20037-3202

EXAMINER

AZARIAN, SEYED H

ART UNIT

PAPER NUMBER

2625

DATE MAILED: 06/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)
	09/686,371 ✓	FUNAHASHI, TAKESHI
	Examiner	Art Unit
	Seyed Azarian	2625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 09 March 2005.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) 6-20 is/are allowed.
- 6) Claim(s) 1-5 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 12 October 2000 is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
6) Other: _____.

RESPONSE TO AMENDMENT

1. Applicant's arguments, filed, 3/9/2005, see page 8 through 11, of remarks with respect to the rejection of claims 1-5 102(e) have been fully considered but they are moot in view of the new ground(s) of rejection is necessitated by applicant's amendment is made in view of Hilton (U.S. patent 5,452,416).
2. Applicants argue in essence that Hara does not teach "sending the image to predetermined addressee".

With respect to applicant's argument Examiner disagrees and indicates Hara teaches the **image data will automatically be transmitted to the network** (column 3, lines 1-5), it is obvious transmitting to the network will distributes to the designated location (predetermined address), as it mentions, such as **doctor office or examining room** (column 4, lines 28-36).

However, for this feature (predetermined address) examiner submits a new reference with this action, Hilton (U.S. patent 5,452,416), which clearly states that image or patient files can be transmitted and display through a modem to a predetermined location (column 13, lines 41-50).

Furthermore, in response to applicant's argument, regarding claim 2, that Hara does not teach, "disclose designation of unnecessary image list on display". Hara teaches (column 4, lines 45-65) each **image data stays in the buffer 7, for a constant time** and image data stored in the buffer are shown on the display screen of the QC workstation, the operator can specify the image not to be transmitted (**unnecessary**

image) to the network and after certain time (predetermined time) can be deleted using the indices, as Applicant states in the description of the embodiments (page 24, lines 22-25).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-5, are rejected under 35 U.S.C. 103(a) as being unpatentable over Hara (U.S. patent 6,154,289) in view of Hilton (U.S. patent 5,452,416).

Regarding claim 1, Hara discloses an image sending apparatus for sending an image input from an external apparatus to a predetermined addressee, the image sending apparatus comprising; display means for displaying the image having been input, transmission means for sending the image (Fig. 1, column 3, lines 43-57, an image reading and transmitting system, a monitor for displaying the image read or being read by the image reading apparatus);

unnecessary image designating means for enabling designation of the image displayed on the display means as an unnecessary image (column 4, lines 20-27,

operator can examine the image data while it is displayed on the screen and select the image data whose transmission should be canceled (or unnecessary image));

transmission control means for controlling the transmission means so as not send the image have been designated as the unnecessary image (column 4, lines 48-56, to specify the image not to be transmitted to the network).

However Hara does not explicitly state "sending image to the predetermined address". On the other hand Hilton in the same field of image processing teaches image or patient files can be transmitted and display through a modem to a predetermined location (column 13, lines 41-50).

Therefore it would have been obvious to one having ordinary skill in the art at the time of the invention was made, to modify Hara invention according to the teaching of Hilton because it provides computer display system which present images of anatomical structure for predetermined location, which can easily be implemented in an imaging device such as MRI system.

Regarding claim 2, Hara discloses an image sending apparatus, wherein the unnecessary image designating means carries out the designation of the unnecessary image by moving display of accompanying information of the image to an unnecessary image list on the display means (Fig. 2, column 4, lines 45-65, each image data stays in the buffer 7, for a constant time and image data stored in the buffer are shown on the display screen of the QC workstation, the operator can specify the image not to be transmitted (unnecessary image) to the network and after certain time (predetermined

time) can be deleted using the indices, as Applicant states in the description of the embodiments

Regarding claim 3, Hara discloses a n image sending apparatus, wherein the transmission control means controls the transmission means so as not to send an image having medical examination information, which is the same as medical examination information of the image having been designated as the unnecessary image (see claims above, also column 5, lines 51-64, only useful image data can be transmitted).

Regarding claim 4, Hara discloses an image sending apparatus, wherein the image having been designated as the unnecessary image is automatically deleted after a predetermined time has elapsed (column 4, lines 48-57, the deleted image by the operator when predetermined stay time has elapsed).

Regarding claim 5, Hara discloses an image sending apparatus as claimed in claim 1 or 2, wherein the designation of the image as the unnecessary image can be cancelled (Fig. 2, column 4, lines 46-57, the images shown on the screen and presses the cancel button).

Allowable claims

4. Applicant's arguments, filed 10/4/2004, see page 5 through 18, with respect to claims 6-7 and 12-20 have been fully considered and are persuasive. The rejection of 103 (a) of claims 6-7 and 12-20 has been withdrawn.

Claims 6-20 are allowed.

Conclusion

5. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seyed Azarian whose telephone number is (571) 272-7443. The examiner can normally be reached on Monday through Thursday from 6:00 a.m. to 7:30 p.m.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bhavesh Mehta, can be reached at (571) 272-7453. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application information Retrieval (PAIR) system. Status information for published application may be obtained from either Private PAIR or Public PAIR. Status information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Seyed Azarian

Patent Examiner

Group Art Unit 2625

June 20, 2005



BHAVESH M. MEHTA
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600